APPENDIX A

Order Of The United States Court of Appeals

UNITED STATES COURT OF APPEALS
For the Seventh Circuit
Chicago, Illinois 60604

FRIDAY, APRIL 7, 1967.

Before

Hon. WIN G. KNOCH, *Circuit Judge*
Hon. LUTHER M. SWYGERT, *Circuit Judge*
Hon. WALTER J. CUMMINGS, JR., *Circuit Judge*

SOUTHERN RAILWAY COMPANY, *Petitioner,* vs. HON. WILLIAM J. CAMPBELL, Chief Judge, United States District Court, etc., *Respondent.*	No. 15957 — Original Petition for Writ of Mandamus.

This matter comes before the Court on the petition of Southern Railway Company for a writ of mandamus directing respondent to vacate and set aside the order entered November 2, 1966, in the case entitled *Ralph E. Underwood, Plaintiff* v. *Southern Railway Company, Defendant,* No. 66-C-813, with memorandum in support of petition for writ of mandamus; answer to petition for mandamus, with brief in support of answer; and reply of petitioner to respondent's answer and brief.

On consideration whereof, It Is Hereby Ordered and adjudged by this Court that a writ of mandamus issue directing Honorable William J. Campbell, Chief Judge of the United States District Court for the Northern

District of Illinois, Eastern Division, to vacate and set aside the order entered November 2, 1966, in the case entitled *Ralph E. Underwood, Plaintiff* v. *Southern Railway Company, Defendant,* No. 66-C-813, denying petitioner's motion to transfer, and directing said respondent to enter an order transferring said cause for trial to the United States District Court for the Eastern District of Tennessee, Northern Division.

(Note: Judge Knoch voted to deny petition for writ of mandamus).

APPENDIX B

Order Of Petitioner

UNITED STATES DISTRICT COURT
Northern District of Illinois
Eastern Division

RALPH E. UNDERWOOD,
Plaintiff,
vs.
SOUTHERN RAILWAY COMPANY,
a corporation,
Defendant.
No. 66 C 813

ORDER

Upon consideration of the briefs and affidavits filed by the parties in light of the criteria tests set forth in §1404(a) (Title 28 U.S.C.A.)—i.e. convenience of the parties and witnesses and most importantly the interest of justice—the court finds that there has not been a sufficient showing that ". . . the balance is strongly in favor of the defendant . . ." so as to avoid plaintiff's choice of forum. *Gulf Oil Co.* v. *Gilbert,* 330 U.S. 501, 508.

Accordingly, defendant's §1404(a) motion requesting transfer of the instant complaint to the Eastern District of Tennessee, Northern Division, is *denied.*

/s/ WILLIAM J. CAMPBELL
Campbell Chief Judge

Dated: Nov. 2 1966